FOR MYSORE STATE

To

The Hon.
The Minister for Revenue,
Fort St. George,
Madras.

Examine: Para 3 more
particularly regarding

19/4/50

SECRETARIAT TO GOVERNMENT
19 APL 1950
REVENUE DEPARTMENT

The humble petition of R. Hanumantha Rao, Karnam of Bisalahalli, Bellary Taluk, Bellary District, most respectfully showeth as follows:-

25394
REVENUE DEPARTMENT

1. This petitioner has put in an unblemished record of service of over 26 years as Karnam of Bisalahalli. The Revenue Divisional Officer of Bellary who investigated allegations against the petitioner found that the petitioner, as a respectable elderly person in the village, was very popular with the villagers who sought his advice and assistance in settling private disputes as mediator. But, in the last elections to the Madras Legislative Assembly the petitioner supported the Congress candidate as against Srimathi Allam Sumangalamma, now M.L.A. The elections, unfortunately, tore the village into two factions supporting the respective contestants in the elections and the petitioner became the victim of a tirade by the opposite faction who even went to the limit of vilifying the petitioner in the Kannada Press. All the witnesses who spoke against the petitioner in the enquiry before the Revenue Divisional Officer were those who supported Srimathi Sumangalamma who herself took a leading hand in the campaign against the petitioner by making a report against him.

2. On the allegations of corruption made against the petitioner, the Revenue Divisional Officer of Bellary found that there was no documentary evidence whatever in support of the charges and the witnesses who deposed after a lapse of months and even years had taken no steps at all to bring the cases of alleged corruption to the notice of the superior officers. The Revenue Divisional Officer found that the silence of these witnesses for long periods created doubt as to whether the alleged transactions were true, because if the petitioner had taken bribes as the witnesses now allege, there was nothing to have prevented them from bringing the alleged instances then and there to the notice of the Revenue Authorities through petitions as they have done belatedly now. The Revenue Divisional Officer further pointed out that no ducuments relating to the allegations of corruption have been produced at all by the witnesses and found that it was quite unsafe to rely on the uncorrobarated and interested evidence of some

persons who are on manifestly inimical terms with the petitioner. However, the Revenue Divisional Officer inferred by speculative reasoning that charge VI was "proved" against the petitioner while the petitioner had "admitted" the transaction under charge III as an error of omission. Notwithstanding that the Revenue Divisional Officer found that in the petitioner's long service of 26 years there was not even a single default entry, he ordered the suspension of the petitioner for one year. On appeal, the Collector of Bellary confirmed the findings and the order of the Sub-Divisional Officer.

3. It was alleged against the petitioner under charge VI that he had received Rs.100/- towards Takkavi arrears from one Talari Lakshmappa on a land purchased by him from a Chakala Malappa though the loan arrears were written off and there was no credit of the amount into the Treasury. The petitioner explained that Talari Lakshmappa purchased land from one Hanumakka, step-mother of Agasara Bheema, some eight years ago without paying any amount however, on condition that Lakshmappa would pay the state loan due on it. The sale deed had been executed by the step-mother, Bheema being then a minor. At the time of Bheema's marriage, however, Lakshmappa was approached for the money, but he refused to pay the Rs.100/- to Bheema and demanded a receipt from the petitioner. The petitioner was, under the circumstances, obliged to give a receipt on behalf of Bheema to the effect that the loan arrears on the land were written off, that Bheema would pay the amount if the Government collected it, and if the amount were not paid Lakshmappa could recover the amount by treating the receipt as a promissory note. The Sub-Divisional Officer failed to see that the petitioner gave a receipt on behalf of Bheema because Lakshmappa wanted the petitioner to stand as surety and that, moreover, there was no mention in the receipt of the petitioner having taken any money at all from Lakshmappa. It is submitted that the finding of the Sub-Divisional Officer is not warranted by the proved facts of the case and that his finding is vitiated by speculative reasoning as to what the petitioner might or might not have done under the circumstances.

K. Hanumantha Rao

4. It was alleged against the petitioner under charge III that he wilfully omitted to exhibit in 2-C account a tamarin(tree in S.No.34 (Vanka Poramboke) and another tree in S.No. 36-C of Bisalahalli. The petitioner submitted that the trees were not brought into the 2-C account by an oversight and that there was no malafides of any sort. No other charg was made out against the petitioner.

5. This petitioner therefore humbly submits that the order of suspension passed against him is unjust and, in the conte of the factions calumny against him in the village, wholly undeserving of his unblemished record of over 26 years. To visit on the petitioner this undeserved punishment would be to set a premium on the forces of village faction and enmity. This petitioner, therefore, prays that the order of suspension may be set aside, because otherwise he will suffer irreparable loss.

K. Hanumantha Rao

Petitioner

Ramachandra Rao,

Counsel for Petitioner.

Bhimasena Gardens,

Mylapore, Madras.

10. 4. 1950

roceedings of the Revenue Divisional Officer, Bellary

Present:- Sri V. Munnian Naidu, B.A.,

.Dis 4547/48 Dated 5-6-49

Sub:- V.Os - Karnam - Bellary Taluk - Bisalahalli village - Hanumantha Rao Sri . Corruption - Extortion and cheating charges - Explanation - orders passed.

Read:- i. Mahazar of some villagers of Bisalahalli dated 19-11-48

ii. Report of Srimathi Allam Sumangalamma M.L.A Bellary

iii. Memo of charges framed against the Karnam

iv. Record of enquiry -

O r d e r:-

On receipt from the Collector, Bellary of Mahazar petition of some villagers of Bisalahalli in Bellary Taluk and the report of Srimathi Allam Sumangalamma M.L.A., Bellary, I proceeded to the village on 1-12-48 and made enquiries into the allegations against Sri Hanumantha Rao, Karnam of Bisalahalli. After the completion of the enquiry, the following charges were framed against the Karnam and he was asked to show cause why he should not be removed from service

Charges:-

1. that he is an adept in receiving illegal gratifications and that he had extracted money from the ignorant ryots on the following occasion when they appraoched in connection with his official duties.

a. About 3 months back he had received a bribe of Rs.100/- from one Gangamma for settling the dispute of a land belonging to late Matam Virupakshayya, before the Panchayatdar Nevvar Huleppa.

b. About a year ago he had received a bribe of Rs.60/- from Hosekarappa son of Belli Doddappa to effect a compromise between the Vendor and Vendee of a land which was previously mortgaged to Muttanji people.

c. He had received two acres of land from Pujari Kastanamma as illegal gratification for settling a dispute between Kastanamma and Buddeppa.

d. He had taken a bribe of Rs.16/- from Madukappa for investigating and recovering the last jewel(katani)

e. He had taken a bribe of Rs.10/- from each of the following persons.
i. Sankarappa and ii. Doddakeri Kadappa for giving registration particulars of the lands purchased by them.

f. He had demanded a sum of Rs.100/- as bribe for each takkavi application when presented by 1.Asungi Gowramma 2. Venkappa, 3. Hagari Basappa, 4. Shanmu-kappa, 5. Kampli Ayyappa. 6. Mastanappa, 7. Ramanna and 8. Marianna.

II. that he extracted a sum of Rs.100/- from Madiga Hanumantha threatening him with criminal prosecution when his uncle Madiga Ganganna committing suecide by falling into a well.

III. that he wilfully omitted to exhibit in 2-C account a tamarind tree in S.No.64(Vanka Poramboke) and another tree in S.No. 56-C of Basalamalli.

IV. that he had illicitly sold the tree in S.No.64 about 2 months back for a nominal cost of Rs.40/- to Rudrappa and other fuel contractors of Bellary while the tree was really worth Rs.100/-

V. that he had impounded a he-buffaloe for 40 days in the village cattle pound and illicitly sold it for Rs.20/- to Vadde Nagappa of Bellary.

VI. that he had received Rs.100/- towards takkavi arrears from Talari Lakshmappa on a land purchased by him from Chakala Mallappa though the loan arrears were written off and he had not credited the amount into the Treasury. He had granted a receipt saying that he would repay the loan if it came up for collection.

The Karnam appeared on 24-1-49 and filed his written explanation to the several charges framed against him. 10 witnesses were examined to prove the charges and the karnam examined 12 witnesses on his behalf. A list of P.Ws and D.Ws examined during the enquiry is appended. The explanation of the karnam evidence adduced on both sides are summarised below against each charge,

Charge I-a. The karnam denies having received a bribe of Rs.100/- from Gangamma and explains that late Virupakshappa, Gangamma's husband who was on inimical terms with

him sold his property in the village for Rs.700/- and that his enemies had capitalised the situation. Nevvar Huleppa P.W.1 speaks to this charge. According to him, after Virupakshappa's death, Gangamma and Siddamma came to Bisalahalli to dispose of the lands. The karnam objected to the disposal on the ground that there was takkavi arrear on the land. Gangamma paid Rs.100/- to the karnam in his house in the presence of this witness.

One Kudeppa son of Bheemappa examined by the karnam as D.W.2 says that he followed the two ladies to Bellary to get the sale deed registered and that he did not see the karnam receive any bribe. He further says that the karnam and Virupakshappa were on inimical terms. The presence of Gangamma could not be secured as she was not a resident of Bisalahalli.

The sale transaction took place about 7 or 8 months prior to 17-8-49 according to P.W.1 and nobody complained against the conduct of the karnam till November '48 when a mahazar was sent up. P.W.1 admits that there was no dispute regarding the right of Gangamma to dispose of the property. If so, it is not known why Gangamma should pay Rs.100/- to the karnam. P.W.1 who saw the karnam taking bribe did not complain to the Tansildar. If really the karnam took bribe, either Gangamma or P.W.1 would have immediately brought this to the notice of the superior officers. It is not safe to rely upon uncorroborated and belated oral testimony of P.W.1. I therefore hold that the charge is not satisfactorily proved.

Charge-I-B:- The karnam explains that there was no necessity for his intervention in the affair as Hosekarappa's son-in-law purchased a land mortgaged to one Mullangi Dudda Basappa and got the land redeemed. The karnam adds that Nevvar Hulemma and Bella Kuttamma

spoke against him are his enemies.
Hosekerappa(P.W.3) (and that he gave Rs.60/- to the Karnam at his house when Hulleppa (P.W.1) was sitting outside and Katteppa(P.W.2) was sitting on the verandah.' P.W.1 said that he saw P.W.3 giving Rs.60/- to the Karnam. P.W.2 Belli Katteppa corroborated P.W.1 and said that P.W.3 gave 6 ten rupee notes to the karnam. Ramanna D.W.4 examined by the Karnam on his behalf said that about a year back he took his uncle Hosekarappa(P.W.3) in a bandy to Bellary. Hosekerappa paid Rs. 615/- to Mullangi people and got a pronote executed by Dodda Veerappa for Rs.200/- P.W.3 then claimed Karnam (P.W.1) said in his statement dated 1-12-40 that he did not see P.W.3 paying Rs.60/- to the karnam. Now he remarks that he saw him paying Rs.60/- to the karnam. No weight can therefore be given to his evidence. P.Ws 2 & 3 are admittedly relatives, P.W.3 being P.W.2's cousin brother. The transaction took place about a year ago and nobody complained to the higher authorities immediately, that the Karnam took a bribe of Rs.60/-. The interested oral evidence of P.W. 2 & 3 given after a period of one year cannot be relied upon and it is not sufficient to substantiate the charge.

Charge I-C. The karnam denies the charge and explains that Buddappa executed a sale deed in his favour for Rs.100/- which he owned to him and he reconveyed the property after taking back Rs.100/- Exhibit B.1 is the conveyance deed.

Pingari Mastanamma(P.W.9) said that Sanna Buddappa had to pay her Rs.600/-. As he was evading payment she sought the assistance of the Karnam who demanded Rs.100/-. The Karnam settled the dispute for Rs.500/- and asked Sanna Rudrappa to sell 7 acres of land to her. The Karnam demanded 2 acres in lieu of Rs.100/-. So, 5 acres were registered in the name of Mastanamma's husband and 2 acres in the name of the karnam who again sold it to Buddappa.

Doddabuddappa (P.W.8), Sanna Buddappa's elder brother said that his brother owed only Rs.300/- to Mastanamma's husband and he executed a sale deed for Rs.200/- and paid Rs.100/- in cash. This amount he took from the karnam and sold two acres to the karnam. No documentary evidence has been produced by P.W.9 to show the amount due to her husband from Sanna Buddappa and the sale of 5 acres in her husband's name. The transaction took place about 9 years back and Sanna Buddappa died. Sanna Buddappa's brother deposed that his brother took Rs.100/- from the karnam and sold 2 acres to him. In the absence of sale deeds and other records, P.W.9's uncorroborated oral statement given 9 years after the transaction cannot be relied upon. I hold that the charge is not satisfactorily proved.

Charge 4-a. The karnam says that he is not aware of any loss of jewel or investigation and that he had not taken any bribe.

Muddakappa (P.W.10) said that the neck ornament of his brother's wife was lost in her mother's house in Hisalahalli and when he went and asked her mother, she said give it if traced. When P.W.10 and his brother's mother-in-law were quarrelling the karnam acted as a panchayatdar, took Rs.16/- from P.W.10 and asked her to give back the ornament. She then gave the original jewel to P.W.10 According to P.W.10, Nevvaru Venkappa(P.W.4) was present when he paid Rs.16/- to the karnam. But P.W.4 does not say anything about this. At one time P.W.10 says that he got back the original jewel and at another time he says that he got a different jewel. It is difficult to believe that his brother's mother-in-law took her daughter's jewel and returned it, when the karnam advised her to give after taking Rs.16/- from him. This transaction took place about 1 1/2 years back and P.W.10 did not

complaint either to the Tahsildar or Deputy Collector though he was in Bellary. In the absence of corroboration, I hold that the charge is not proved.

Charge I-e. The Karnam denies the charge and says that Sankarappa did not purchase any land in Bisalahalli and that Kari Doddappa did not give him any amount. P.W.6 Sankarappa said in his chief-examination that he purchased 4 acres of land from Adivappa about 1 year and 4 months back and he gave Rs.10/- to the Karnam for measuring the land. In his cross-examination he said that the land was registered in the name of his brother-in-law. He took Rs.10/- from his brother-in-law and gave it to the Karnam. P.W.8 Dodda Kari Kodappa said that he purchased the land some 8 months back and that he gave Rs.10/- to the karnam for giving him the registration particulars. The statements of P.Ws 6 & 8 remain uncorroborated. Sale deeds relating to the purchase of land by P.W.6's brother-in-law and P.W.8 have not been produced. It is not safe to rely on the uncorroborated statements of P.Ws 6 & 8 about the transactions of 1 year 4 months and 8 months old. I therefore hold that the charge is not satisfactorily proved.

Charge I-f. The Karnam explains that Asundi Gowramma was not an applicant for loan and that all other applications were not recommended by the Revenue Inspector as they were not bonafide and that he did not demand bribe from any applicant. Asundi Gowramma P.W.13 said that her son Basanna (P.W.7) applied for a loan and he told her that the karnam demanded Rs.100/-. Her evidence is only hear-say evidence. She admits that the karnam did not ask her to pay anything. Venkappa P.W.4 said that the karnam demanded Rs.100/- for each loan application and that he and P.W.7 refused to pay and on their refusal their applications were not recommended P.W.7 also corroborated P.W.4. Mastanappa(D.W.3) and Maremma (D.W.4) examined by the karnam said that they also applied for loans and that the karnam did not ask them money. The

Revenue Inspector Bellary (D.W.7) said that he received 10 applications and after enquiry, submitted all applications to the Tahsildar with a request to ask the applicants to renew their applications after the allotment was received. He visited the village many a time and nobody complained to him about the Karnam demanding bribe, from the ryots. Out of the 8 applicants mentioned in the charge No.1 Gowramma was not an applicant and she said that the Karnam did not demand anything from her. Nos. 2 & 3 said that the Karnam asked them to pay Rs.100/- for each application. Nos. 6 & 7 said that the Karnam did not ask them money. If the Karnam had demanded bribe, Venkappa and Basappa would have represented this to the Revenue Inspector when he visited the village for enquiry. They did not even put in petitions to the higher authorities that the karnam was demanding money. Further the Revenue Inspector is the recommending officer after due enquiry and not the karnam. In his statement dated 1-12-48, P.W.7 did not say anything about the loan applications. On the other hand he said that he had nothing to complaint against the Karnam. I am unable to belive the evidence of P.Ws 4 & 7. I hold that the charge is not satisfactorily proved.

Charge II. The Karnam explains that he did not extract Rs.100/- from Kadiga Hanumantha and adds that it was a magisterial function unconnected with his duties as Karnam, that he went and signed the inquest report along with others. Belli Katteppa(P.W.2) said that about a year back, Kadiga Harumantha took Rs.100/- from him saying that he had to pay the amount as bribe to the karnam in connection with the suecide committed by his brother-in-law, Gangadu. P.W.12 Kadiga Hanumantha stated that his brotner-in-law committed suecide on account of stomache-ache and the Karnam demanded bribe to save him from criminal prosecution. He got Rs.100/- from P.W.2 as a hand loan and gave Rs.50/- to Honnurappa under the instructions of the Karnam. He did not know whether

Honnurappa gave this amount to the karnam or not. Talari Honnurappa examined as D.W.10 said that when P.W.12 came to the karnam and informed him of the suicide committed by his brother-in-law the karnam sent a talari to get the ~~karnam~~ V.A. After the V.A's arrival the corpse was removed and after the police came, the dead-body was sent for post-mortem examination. Hanumanthappa also followed and he took Rs.5/- from the witness for his expenses at Bellary. It is not possible to believe that P.W.2 advanced Rs.100/- as a hand loan to P.W.12 a landless poor man without any promissory note. P.W.12 himself admits that he does not know whether the amount reached the karnam or not. There is no evidence that the karnam had actually received the bribe in this case. Further, this occured about a year ago and no complaint was made immediately. I hold that the charge is not proved satisfactorily.

Charge III. The karnam admits the charges and explains that by oversight he did not bring the trees in S.Nos. 34 and 36-C to 2-C account. The charge is therefore proved.

Charge IV. The karnam denies the charge and says that he did not sell the tree in S.No.34. He adds that the tree was sold in auction by the Revenue Inspector. P.W.5 Dodda Erappa said that a big tamarind tree worth about Rs.100/- was sold by the karnam to Bellary fuel contractors for a nominal price of Rs.40/- and that the tree was cut and removed by the time the Revenue Inspector went for enquiry. P.W.8 stated that he carted one Government tree to Rangappa's house in Bellary. Mastanappa D.W.3 stated that the Revenue Inspector auctioned two tamarind trees and he purchased one for Rs.1-12-0 and Katteppa purchased the other for Rs. 0-12-0. The Revenue Inspector D.W.7 said that he conducted the sale of two tamarind trees in the village on 12-9-48 after inspecting them before sale. Ex. B.7 is the sale list for the sale of a tamarind tree in S.No.36E and Ex. B-8 is the sale list for the sale of a tamarind tree in S.No.34. D.W.3 purchased the tree in S.No.36.E and Betti Katteppa(P.W.2) purchased the tree in S.No.34. P.W.7

& 2 and 7 attested Ex. B.C. P.W.6 in his statement dated 1-12-4[illegible] did not say anything about the cutting of the tree to Bellary, The contention of P.Ws 2 & 5 is that after they reported the matter to the higher authorities, the V.Os sent up a report and nominal auction was held though the tree was cut and removed already. The Revenue Inspector swears that he saw the tree before sale and conducted the sale in the -- village and that P.W.2 also saw the tree before bidding at the sale. In view of his evidence it cannot be believed that the tree was cut and removed before the sale. The V.M. no doubt admits that the [illegible] partly cut before the sale. But there is no satisfactory evidence that the Karnam is responsible for the partial cutting of the tree. Katteppa himself attested the sale list and his plea that he attested it without knowing the contents cannot be accepted. If at all there was any fraud in the sale the Revenue Inspector is responsible and not the Karnam. I therefore hold that the charge against the karnam is not proved.

Charge V:- The Karnam's explanation is that impounding of a buffalo and selling it in auction were not his duties. The buffalo was taken to the Taluk office and sold there by the Revenue Inspector Bellary. Since it was a dedicated animal, many people hesitated to purchase it. According to P.W.5 Dodda Erappa the Harijans wanted the animal for Rs.40/-. The Karnam without informing the Harijans took the animal to Bellary and got it sold for Rs.20/- in auction though it costed Rs.150/-. According to Venkappa(P.W.4) he and Gurusiddana Gowd signed the sale list as witnesses in the Revenue Inspector's house at Bellary. The karnam and V.M. were present. All the three shared the amount of Rs.130/-.

P.W.8 Dodda Kari Kodappa says that he went to the Revenue Inspector's house on that day to present a loan application and the Karnam asked him to go out. Vadde Hulagappa gave Rs.150/- to the Karnam, who gave Rs.20/- to the Revenue Inspector and pocketted the balance of Rs.130/-.

According to the Revenue Inspector(P.W.7) he conducted

the sale of the he-buffaloe impounded, at Bellary in November '48. The V.Os Talaris Hulugappa and Nagappa were present at the time of auction. The animal was auctioned for Rs.20/-. As the animal was a dedicated one, it would not fetch higher bids. Ex. B.9 is the auction list of the buffaloe. Besides the V.Os, K. Nagappa, Seshappa, Basappa, Durgappa and Eranna signed the list. Vadde Hulugappa D.W.12 stated that he purchased the buffaloe in auction for Rs.20/- and that he did not give any bribe to the karnam. It is the duty of the V.A. to get impounded cattle for sale and the karnam is no way connected with this. In view of the evidences of D.W.7 and 12 I see no reason to think that the karnam took Rs.130/-. P.W.4 said that the V.Os and the Revenue Inspector shared Rs.130/- while P.W.8 said that the karnam himself took Rs.130/-. If at all it was sold for lesser amount, the Revenue Inspector is responsible for it and not the karnam. The charge against the karnam is not proved.

Charge VI. The karnam explains that Talari Lakshmappa(P.W.11) purchased a land from one Hanumakka, step mother of Agasara Bheema, some 8 years ago without paying any amount, on condition of paying the state loan due on it. Agasara Bhima was a minor then and his step mother executed the sale deed. At the time of the marriage of Bhima, Laksmmappa was approached for money. He refused to give that amount of Rs.100/- to Bhima and demanded a receipt from the karnam. The karnam on behalf of Bhima gave a receipt stating that the loan arrear on the land was written off and that he would pay the amount if the Government collect it, and if it is not paid, he(Lakshmappa) can recover it by treating the receipt as a pronote. Lakshmayya (P.W.11) said that he purchased the land on condition of paying the loan arrear about 9 years back. 5 years later the karnam came and asked him to give Rs.100/- as bribe as the loan was written off. Lakshmayya felt that it would be recovered again and asked the karnam to give a receipt and he gave a receipt. Ex. A 1 Lakshmayya borrowed Rs.100/- from Erappa

and paid to the karnam.

According to P.W.2 Maddaya, Bhimayya asked P.W.11 to give Rs.100/- for the marriage expenses and he consented to give it if the karnam stood as surety.

The contention of the karnam is that because Lakshmayya gave the land free of cost and because the loan amount on the land was written off, Bhima asked Lakshmayya to pay that amount of Rs.100/- for his marriage expenses and as Lakshmayya wanted him to stand as surety he gave a receipt. He says that there is no mention of the fact of his having taken the money from Lakshmayya in the receipt. Ex. A.1 was written by karnam himself. If the amount was really given to Bhima by Lakshmiah the karnam would not have failed to note this fact in the receipt. He appears to have purposely omitted that he received the amount. If he had not taken the amount there was no need for him to give a receipt on behalf of Bhima. The story of P.W.11 appears more probable than the version of the karnam. The karnam has not chosen to examine Bhima to prove his innocence in the matter. I do not believe the plea of the karnam I hold that this charge is proved.

From the record of enquiry I am led to belive that the karnam was influential in the village and his advice and assistance were sought by the villagers and he was acting as a mediator and settling private disputes not only in his official capacity as karnam but also as a respectable elderly man in the village. He was popular with the villagers till the Elections to the Madras Legislative Assembly. Enemity and hatred appear to have started after the elections as the karnam supported the Congress Candidate while the witnesses who spoke against the karnam supported Srimathi Sumangalamma. With regard to the allegations of corruption and extortion mentioned in charges I and II, there is no documentary evidence in support of the charges. The witnesses who deposed after lapse of months and years, didnot take steps to bring these cases to the notice of the Superior officers. Their silence for long periods creates doubt as to whether the transactions were true

If the karnam had taken bribes as alleged now, nothing ... ted them from bringing the instances to the notice of the Tansildar or Deputy Collector then and there through petitions, to start enquiry and find out the truth immediately. Documents relating to the transactions leading to the karnam taking bribes from the parties have not been ~~proved~~ produced. It is not safe to rely on uncorroborated and interested evidence of some persons who are on inimical terms. As regards charges IV and V the evidence of the karnam shows that the karnam was not responsible for the sale of tree in S.No.34 and also for the sale of the buffaloe. If at all there was fraud in the sales, the Revenue Inspector who conducted the sales is responsible and not the karnam.

The karnam admits charge III. charge VI is proved by the documentary evidence. It is clear from Ex. A.1 that the karnam took Rs.100/- from P.W.11 and gave a receipt though he did not mention in specific terms that he received the amount. This is a serious charge and the karnam deserves severe punishment. But in view of his long service of 26 years without even a single default entry, I feel that suspension for one year will meet the ends of justice. I suspend him for a period of one year.

Sd. V. Punniah Naidu,
Revenue Divisional Officer,
Bellary

An appeal lies to the Collector within 30 days from the date of receipt of this order.

True copy

Sd/- M. Narayana Rao,
20/6
Head Clerk

List of P.Ws cross examined.

1. Nevar Huleppa
2. Belli Kotteppa
3. Belli Hosakerappa
4. Vankappa s/o Huleppa
5. Dodda Yerrappa
6. Sankarappa
7. Hagari Basanna.
8. Dodda Kerikodappa
9. Mastanamma
10. Mudukappa
11. Maksmayya s/o Pedda Holeppa
12. Madiga Hanumantna s/o Eranna
13. Asundi Gowramma

Defence witnesses.

1. D.H. Venkoba Rao, President Circle Congress, Committee, Bellar
2. Madeppa son of Bhimappa
3. Mastanappa son of Honnurappa
4. Marvandi Haranna
5. Dodda Budeppa
6. Allappa s/o Donekal Bhimappa
7. Alladdin Revenue Inspector
8. Virupanagowd V.M.
9. V.M. Chandrasekaram, clerk, Taluk Office
10. Talari Honnurappa s/o Hulugappa, Talari
11. Revanna(Nephew of P.W.4) s/o Donekal Nagappa
12. Vaude Hulugappa(Contractor.

Pl issue both Enc in orgl
8h
24/7/50

Revenue Department

Memo No. 25394-M/50-4 dated 24-7-50.

Village Officers - (Bellary)

Bellary taluk - B. Balapalli village - Suspension of karnam.

by the R.D.O. Bellary - Appeal.

Rpt:- 30f From Sri K. Hanumanatha Rao petition d 10-

No appeal or revision petition lies to the Government. The petition is rejected.

To

Sri

One petitioner

Thro' R.D.

P.R. Ramachandra Rao.

41 Bhimasena Gardens

Kylapore.

Madras

(with 5 cf in orgl)

8h 28/4/50 30

24/7/50

8h 24/7

NOTE: ~~The office in question is hereditary and statutory. Under section 28 of Act III of 1895 the~~

Dayal's wife
Rt 25/7

Revenue Department.

VILLAGE OFFICERS - Karnam - (Bellary) ~~Taluk~~ - Bellary Tk. Bisalapalli village - Suspension by the R.D.O., Bellary - Appeal.

From Sri K. Hanumanatha Rao petition d 10-4-50.

Please see the petition at pp.1-3 c.f. and the ute of H.M.(L.R.) on p.1 c.f.

2. For The circumstances in which the R.D.O. suspended petitioner for one year, please see his Proceedings pp.5-16 c.f. Of the six charges framed against the nam, 4 charges were considered by the R.D.O. as not isfactorily proved. Of the remaining two charges, one admitted by the Karnam himself. The other charge is rge No.VI which is mentioned at A on p.6 c.f. This is charge which is referred to by the petitioner in para 3 his petition on pp.2-3 c.f. It has been dealt with by R.D.O. on pp.14-15 c.f. The contention of the Karnam ore the R.D.O. was that he gave the receipt on behalf Bhima, as Talari Lakshmappa wanted him to stand as sure- (presumably for Bhima) and that in the receipt there no mention of the Karnam having received ~~the~~ Rs.100/-. same contention is adduced by the Karnam in para 3 of petition on p 2 c.f. The exact wording of the receipt not known. But, from 'Z' in the R.D.O's order on p.15 it appears to be a fact that there was no mention of the Karnam having received the money. This is a point in favour of the Karnam. But, the R.D.O. took the view that the omission did not necessarily mean that the Karnam did not actually receive the money. According to the R.D.O. the probability was that the petitioner took the money. The fact of the Talari Lakshmappa having paid the money to somebody does.....

does not appear to have been disputed. So, if the Karnam did not get the money himself, it should have been receive by Bhima. The Karnam does not appear to have tried to prove that it was Bhima who got the money from the Tala[illegible] The R.D.O. says that the Karnam has not chosen to examine Bhima to prove his innocence in the matter. When the petitioner appealed to the Collector, the Collector has agre with the findings of the R.D.O. Please see his Proceeding on p.4.c.f.

3. The Village Office in question is hereditary and is governed by Act III of 1895. Under sec. 23 of that Act there is only one appeal against the order of the R.D.O. suspending a village officer and the order passed by the Collector on appeal is statutorily final. Therefore, Government cannot interfere on behalf of the petitioner even if they differ from the findings of the R.D.O. In th circumstances, it is for orders whether the petitions may be rejected. Subject to orders, a draft Memo. is submitte for approval.

A
1/5/50.

2/5/50

I should like to have the legal view on A above

4/5-

Rev Dept

SECRETARY TO GOVERNMENT
4 MAY 1950
REVENUE DEPARTMENT

The file may be sent to Legal ... Sri's minute above,

Put up the Hon. Regulations Legislation for Govt. stating reasons to interfere in Village officers' cases & draw attention to them.

To AS

Rev Dept

With ref to A.S's orders at 'B' on p 2 ante it is submitted that the question of amending the Madras Act II of 1894 and Act III of 1895 in order to vest the Govt and the Bd of Rev with powers to revise the orders of the Subordinate authority (which are now final) has last examined in 1949 and it was decided that no legislation need be undertaken - Please see p 11 cf of ⊙

~~2. With ref to A.M's minute on p 2 ante the file may be sent to Legal.~~

8/10/1950

The orders of subordinate authorities regarding the appointment and punishment of village officers has been examined as recently as November 1949 & it has been decided by the Cabinet that no legislation need be undertaken for the purpose. — Vide the Note for the Cabinet on pp 1-10 & the order of the Cabinet on p 11 cf. of G.O.Ms. No 3008 Rev dy 25.11.49. ~~It will be seen from para 5 of the note on p 6 cf. of the G.O. that it will not be legal for the Govt to interfere in cases in which the orders of the subordinate authority are finally final~~

2. The file may be sent to Legal for ~~further~~ remarks with refce to BM(2R)'s minute on p 2 ante.

Rev dy

Please see the Legal Deptt's note at the bottom of p 3 ante. 2nd [illegible] referred to therein are put up at (D) & (A) + (E). 2nd file may be sent to legal.

8/6/50

8/6/50 Legal.

rev no 25394 dt/8-2
Legal 10.6.50

LEGAL DEPARTMENT.

ASSISTANT SECRETARY 9013 12 JUN 1950 LEGAL DEPARTMENT

The legal position stated by Revenue at A on page 2 ante with reference to section 23 of the Madras Hereditary Village Offices Act, 1895, is correct. It is in line with the view taken by this Department at K on p. 4 n.f. of (A) and in the note extracted at (Y), and the decision of the Privy Council in The Secretary of State for India in Council v. Kocherlakota Subba Rao (I.L.R. -LVI Mad 749). Of course it is seen from p. 5 n.f. of (A) that, in 1947, the then H.M. (L.R.) did interfere with an order which became final under that section, adopting the reasoning of Sir George Boag at p. 4 of (D) that Government cannot "divest themselves of authority to exercise clemency in the case of a subordinate who appeals for mercy.". But such interference, I respectfully submit, will not be legal when the Act says in specific and unqualified terms that the order of the appellate authority shall be final. If Government want to reserve for themselves the right to interfere in circumstances such as those contemplated by Sir George Boag, the proper course would be to take specific power to that effect in the Act itself.

A

K.R. 29/6/50

K.R. 29/6/50

Legal no. 9 29/6/50

Rev Dy. Revenue Dept

With ref to H.R's remarks at 'D' on 2 ante, attention is invited to the legal Dept's note above

REVENUE DEPARTMENT 476707 1950 Hz

2. At p4 ante the question of amending the Madras Act II of 1894 and Act III of 1895 has been considered several times & lastly ~~considered~~ in November 1949 ~~and~~ It was then decided that no legislation need be undertaken — See pp. 1–11 CF 9 (P)

3. In the circumstances it is for orders whether the petition may be rejected as already ~~stated~~ suggested in para 3 at p 2 ante, if so, the draft memo already approved may issue.

7/50 13/7/50

14/7/50

S. M 18/7/50

22/7/50

SECRETARY TO GOVERNMENT
24 JUL 1950
REVENUE DEPARTMENT